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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,050	01/24/2007	Jean-Luc Collet	FR920030070US1	1186
45095 7590 07/09/2009 HOFFMAN WARNICK LLC 75 STATE ST 14 FL ALBANY, NY 12207				
EXAMINER				
CHANG, LI WU				
ART UNIT		PAPER NUMBER		
2129				
NOTIFICATION DATE		DELIVERY MODE		
07/09/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

### Office Action Summary

**Application No.**

10/596,050

**Applicant(s)**

COLLET ET AL.

**Examiner**

LIWU CHANG

**Art Unit**

2129

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05/26/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6-8,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-8,10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is responsive to amendment filed 05/26/2009. The claimed priority date: 11/27/2003. Claims 2, 5 and 9 are cancelled. Claims 1, 3-4, 6-8 and 10-11 remain pending.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-4, 6-8 and 10-11 have been considered but are moot in view of the new ground(s) of rejection.

#### *In response to arguments over 35 USC 101 rejection:*

Claims 1, 8 and 11 are directed to a system comprising modules that cannot only be software. The claims need to specify a module tied to hardware that runs MTA and subsequent operations. A data transmission network is only used as a transmission media between interfaces, which may not be part of the modules. Claim 4 is directed to a method comprising steps. The claim needs to specify a computer-implemented device or computer readable storage medium that carries out the steps.

#### *Claim language of claim 1:*

In claim 1, the claim language of the limitation "a predetermined list of a plurality of different relay MTAs to which are forwarded said plurality of chunks" is ambiguous. The "predetermined list of a plurality of different relay MTAs" is with the sender (e.g., Fig 1, block 18), while the limitation seems to indicate those relay MTAs are on the receiving end. Clarification is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, 8, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishiguri (US 2002/0004837 A1), hereinafter **Ishiguri**, in view of Christenson (US 7117246 B2), hereinafter **Christenson**, and further in view of Magiddo (US Patent No. 6745231 B1), and hereinafter **Magiddo**.

3. With respect to claim 1, Ishiguri discloses system for enhancing security of e-mails transmitted from a sender to a receiver over a data transmission network, comprising:

a Message Transfer Agent (MTA) associated with said sender for transmitting over said network an original e-mail sent by said sender (**Ishiguri**: [0005] "e-mail transfer apparatus" or [0011], "an e-mail communication apparatus");

said MTA associated with said sender including a message splitting means adapted to divide said original e-mail into a plurality of chunks according to a predetermined algorithm and a predetermined list of a plurality of different relay MTAs to which are forwarded said plurality of chunks (**Ishiguri**: [0011], "division control means for dividing transmission data into divisional data based on a predetermined data amount" implies

splitting e-mail into chunks according to a predetermined algorithm, "transmitting means for transmitting the divisional data produced by the division control means" implies forwarding to receiver devices plurality of chunks "via the communication channel" [0047]); and

a chunk assembly agent for receiving from said relay MTAs the plurality of chunks and for re-assembling the plurality of chunks using said predetermined algorithm in order to re-build said e-mail before sending it to said receiver,

wherein each of said plurality of chunks is transmitted through a different relay MTA of the plurality of different relay MTAs as a chunk e-mail having a same destination e-mail address, the destination e-mail address comprising an e-mail address of the chunk assembly agent (**Ishiguri**: [0011], "receiving means for receiving data; and recombination control means for recombining the data received by the receiving means when the data are divisional data" implies re-build said e-mail before sending it to said receiver, wherein "the reception control section", as in Fig 5 or [0047], is an example of a chunk assembly agent).

Ishiguri does not particularly call for "MTA" and "a predetermined list of a plurality of different relay MTAs". Christenson discloses "a predetermined list of a plurality of different relay MTAs" and "transmitted through a different relay MTA of the plurality of different relay MTAs" (**Christenson**., C 2, L 25-30, "Relays mail to another MTA" implies a predetermined list of a plurality of different relay MTAs, or Fig 4 shows multiple MTAs are involved in receiving and transmission of email chunks). It would have been obvious for one of ordinary skill in the art at the time of invention to incorporate

conventional terms, such as "MTA" and "relay MTA", into the e-mail communication framework of Ishiguri because the e-mail transmission and receiving apparatus of Ishiguri possess the functions of MTA.

The combined teachings of Ishiguri and Christenson disclose "different relay MTAs on the predetermined list", but do not expressly disclose "wherein each of said plurality of chunks is forwarded to a different one of the plurality of different relay MTAs on the predetermined list such that each of said plurality of chunks is transmitted over a different pathway of the data transmission network". Megiddo discloses "wherein each of said plurality of chunks is forwarded to a different one of the plurality of different relay MTAs on the predetermined list such that each of said plurality of chunks is transmitted over a different pathway of the data transmission network" (**Megiddo**: Fig 3 shows each email chunk is forwarded to a different one of the plurality of different destinations. [EN] one skilled in the art would recognize an e-mail transmission route includes a relay to switch data between different networks that speak different protocols run by the sender interface and the receiver interface.) It would have been obvious for one skilled in the art at the time of invention to incorporate the scheme for transmitting the individual email chunk with Ishiguri in order to leverage e-mail transmission security and privacy.

4. With respect to claim 4, the claim is substantially the same as claim 1 and therefore, it is rejected for the same reason as in claim 1 above. In addition Ishiguri discloses methods for e-mail splitting and transmission.

5. With respect to claim 8, the claim is substantially the same as claim 1 and therefore, it is rejected for the same reason as in claim 1 above.

6. With respect to claim 11, the claim is substantially the same as claim 1 and therefore, it is rejected for the same reason as in claim 1 above.

7. Claims 3, 6-7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ishiguri**, in view of **Christenson** and **Megiddo**, as applied to claims 1, 4 and 8 above, further in view of Grobman et al. et al. (US 20040190722 A1), and hereinafter **Grobman**.

8. With respect to claims 3, 6 and 11, Ishiguri discloses wherein each of said plurality of chunks is encrypted before being transmitted over said network (**Christenson**: C 6, L 30-40, MD5 algorithm, where it is used before transmission). The combined teachings of Ishiguri and Christenson do not particularly call for "encrypted using a public key of said chunk assembly agent". Grobman discloses "encrypted using a public key of said chunk assembly agent" (**Grobman**: [0019], L 2-7 and L 13-18, or [0020], L 1-5, wherein a chunk or an e-mail is encrypted with a public key of a user or a manager, [0032], i.e., a chunk assembly agent). It would have been obvious for one of ordinary skill in the art at the time of invention to incorporate the public key encryption, as taught by Grobman, into the e-mail communication framework of Ishiguri because

the public key encryption may provide strong security for e-mail message and transmission, a desirable feature of Ishiguri.

9. With respect to claim 7, Ishiguri discloses wherein text of said original e-mail is encrypted before being divided into a plurality of chunks (**Christenson**: C 6, L 30-40, MD5 algorithm, where it is used before transmission). Grobman discloses encryption with the public key of the receiver (**Grobman**: [0019], lines 3-5 and lines 15-16).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIWU CHANG whose telephone number is 571-270-3809. The examiner can normally be reached on 8:30AM - 6:00PM.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on 571-272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LIWU CHANG  
Examiner  
Art Unit 2129

July 04, 2009  
/David R Vincent/  
Supervisory Patent Examiner, Art Unit 2129